

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 16TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE H.L. DATTU

WRIT PETITION 17153/1998

BETWEEN :

S.M. Madhusudhan  
major,  
r/a. No. 40/15,  
20th Cross,  
I Block,  
Rajajinagar,  
Bangalore - 10.

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... PETITIONER

(By Sri D.S. Joshi, Adv.)

AND :

1. The Oriental Insurance  
Company Limited,  
Divisional Officer at  
No. V, Situate at No. 1,  
Shankar House,  
Mekhri Circle,  
R.V. Extn.,  
Bangalore - 80,  
by Divisional Manager.

2. The Oriental Insurance  
Company Limited,  
Rajajinagar Branch  
No. 41, II Block,  
Navarang Talkies Main  
Road, Rajajinagar,  
Bangalore - 10.

... RESPONDENTS

This writ petition is filed under Articles 226 and 227 of the Constitution of India with a prayer to direct R-2 to permit the petitioner to receive the payment as per voucher dt. 21.05.1997 and etc.

This writ petition coming on for preliminary hearing this day, the court made the following;

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O R D E R

Petitioner is the owner of vehicle bearing Registration No. KA-02 M 7761 and the said vehicle was insured with the first respondent insurance company.

2. Petitioner asserts in the petition that the vehicle met with an accident and because of the accident he had incurred repair charges to an extent of Rs.38,000/-.

3. Petitioner has also stated in the petition that on demand made by him to the insurance company requesting them to settle the repair charges incurred by him, the respondent insurance company is asking him to sign a voucher for full and final settlement for Rs.29,500/-. Petitioner feels that the respondent corporation should not demand from him to sign the voucher for full and final settlement for a sum of Rs.29,500/even though he has incurred much more as repair charges.

4. If for any reason petitioner is not interested to accept the offer made by the insurance company, he can reject the same and

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approach the Civil Court for recovery of entire amounts paid by him as repair charges to get his vehicle repaired. These are not the matters which this Court can entertain and decide, since they involve disputed questions of facts.

5. For the reasons stated writ petition is rejected without reference to the respondents.



Sd/-  
JUDGE

LRS/WP17153.98/160698